

MID SUSSEX DISTRICT COUNCIL

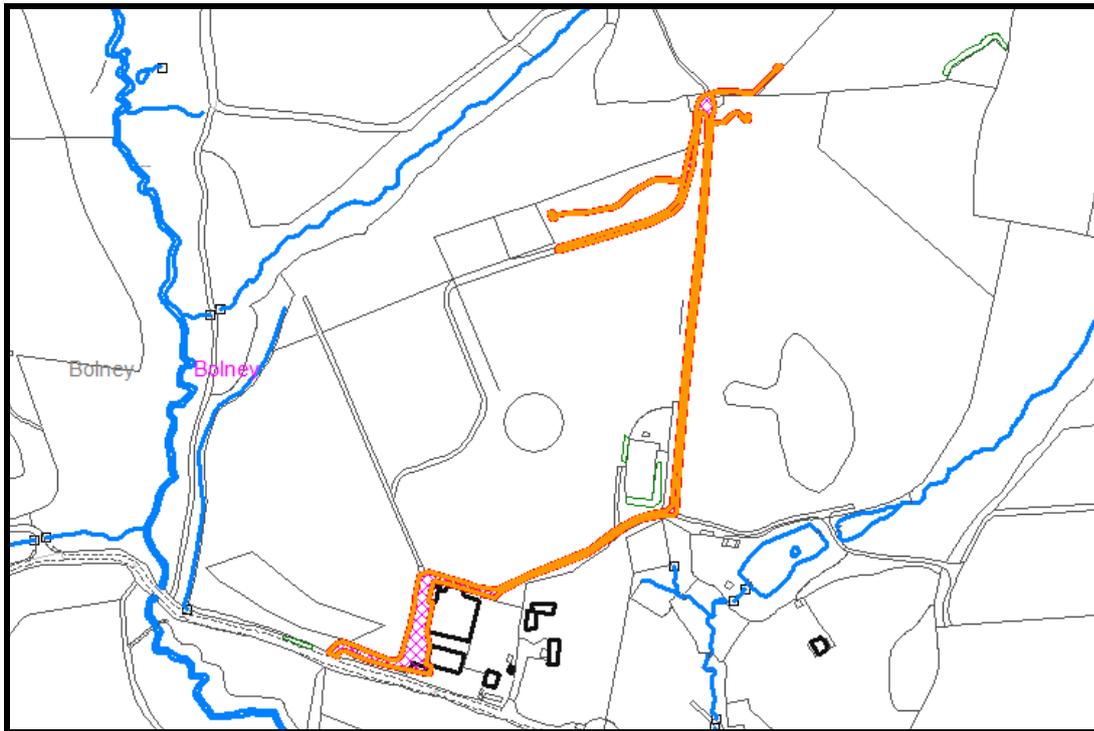
Planning Committee

13 JAN 2022

RECOMMENDED FOR PERMISSION

Bolney

DM/21/2688



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STONEROCKS FARM CROSS COLWOOD LANE BOLNEY HAYWARDS HEATH

(AMENDED REDLINE PLANS RECEIVED 12/11/2021) PROPOSED SITING OF THREE LUXURY GLAMPING PODS TOGETHER WITH ASSOCIATED LANDSCAPING AND CAR PARKING.

MR LEA

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Minor Other
8 WEEK DATE: 7th January 2022
WARD MEMBERS: Cllr Judy Llewellyn-Burke /
CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the siting of three luxury glamping pods together with associated landscaping and car parking within Stonerocks Farm on the northern side of Cross Colwood Lane within the countryside and the High Weald AONB.

This application has been called into committee by Cllr Llewellyn-Burke and seconded by Cllr John Belsey due to the impact on the AONB due to its isolated position, and local drainage and highways issues.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal would constitute a small scale proposal within the AONB which would support the rural economy while maintaining the quality of the rural landscape character and conserving the AONB. The proposal is also deemed to be acceptable in its design, its impact on the amenities of neighbouring properties, impact on the highway and parking provision, impact on the Ashdown Forest, drainage, biodiversity and trees.

It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP17, DP19, DP21, DP26, DP37, DP38 and DP41 policies BOLBB1, BOLE1, BOLE2, BOLD1 and BOLT1 of the Bolney Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

22 letters of objection have been received which raise the following concerns:

- Noise and disturbance
- Increased traffic and impact on highway safety
- Existing single track road, resulting in numerous accidents along Cross Colwood Lane
- The highway is used by walkers, cyclists and horseback riders
- Existing high volume of traffic from local businesses
- Poor visibility at access
- Harmful impact to the character of the landscape and appearance of the area
- Unacceptable commercial development within the AONB
- Elevated position is highly visible particularly in winter months, impact on natural beauty
- Property has not been used for agriculture for at least 20 years
- Should be an agricultural certificate on the land limiting the use of the land for agriculture (*Officer Comment: an agricultural certificate is not a planning matter and does not prevent the consideration of the application*)
- Highly visible from public footpaths and bridleways
- Overbearing and loss of outlook
- Impact on the natural environment, woodland and wildlife
- Low quality design
- Landowner does not live in the locality (*Officer Comment: The residence of the applicant is not a consideration under this application*)
- Proposal would set a precedent (*Officer Comment: Each application is considered on its own merits on the relevant development plan policies*)
- No economic benefit to the local community
- No onsite supervision, could lead to antisocial behaviour, fire risk
- Requires risk assessments, day to day operations, and on site monitoring which have not been submitted with the application
- A precursor to further applications for residential accommodation (*Officer Comment: The application can only take into consideration the planning merits of the current proposal and not future applications*)
- Light pollution, impact on dark skies
- No need for holiday accommodation within the area, existing similar establishments within the area. Impact on trade for these businesses
- No mains sewers along Cross Colwood Lane or the surrounding area, requires a soakaway
- Proposal would require infrastructure - water, electricity, heating and waste storage, requires extensive works from existing farm buildings. No information regarding management of these facilities
- Impact on Chatesgrove, Grade II listed building
- Impact on ancient woodland
- Would result in a change of use from agriculture/forestry to leisure
- Difficult to prevent guests from freely roaming the property
- Impact on the existing pattern of development within the area
- Limited amenities within the area

- Could result in associated paraphernalia such as hot tubs, fire pits etc.
- Unlikely that guests would walk from the parking area to pods, concerns regarding the management of the track
- Maintenance, servicing, and cleaning of the pods would increase traffic generation
- No information regarding refuse and recycling storage and collection
- Lack of drainage information
- Impact on soil
- Potential removal and heavy pruning of trees
- Inaccurate redline, does not include landscaping
- No tree report, ecological appraisal, Bat survey or Great Crested Newt survey have been submitted
- Request consultation with the Sussex Wildlife Trust
- Impact on neighbour amenity
- Unacceptable in principle

A letter of representation has also been received from The Bolney Wine Estate who withdraw their letter of support on the application as they previously believed that the site had existing utilities, and that the applicant lived near or on the site and have concerns regarding safety of guests.

Two letter of support has been received which notes that the proposal would:

- enable the enjoyment of the rural area
- would not have an impact on the local community
- no longer be used as pheasant shoots

Following these letters of representation an amended redline plan, to include the proposed landscaping was received along with a statement from the agent to address the points raised within the letters of representation received. The application was then re-advertised, and a further 11 letters of representation were received which raised the following additional points.

- Out of keeping with the character of the area
- Does not overcome previous concerns
- Supporting letter states that The Bolney Wine Estate supports the proposal which is not the case
- Similar application mentioned at Chiddinglye Farm is not in the AONB (*Officer Comment: Application DM/21/2567 at the above address is within the High Weald AONB*)
- Concerns regarding the enforceability of any conditions regarding car parking and movement of visitors within Stonerocks Farm
- Lack of information regarding fire safety

SUMMARY OF CONSULTATIONS

BOLNEY PARISH COUNCIL OBSERVATIONS

(Received 14/09/2021)

The Parish Council objects for several reasons. It is in the AONB and could have a huge impact on wildlife in the area. It will overlook the neighbours and create a loss of privacy and be lit at night in an area of dark skies. It could create noise for the neighbours. There is a problem with parking and access to the pods and no control over who has access to the site. The owners do not live on site and there will be no one to oversee the use of them which could create a fire risk in a rural area. There are no services or facilities to the area such as waste collection or sufficient power. There are inconsistencies in the application as there is no mains drainage to the site and no Heritage Statement despite a listed building adjoining the site. If permission is granted for this then it is considered likely that further permission might then be requested for more pods in the future.

(Received 21/12/2021)

We object to this application. Despite the assurances of the applicant, we remain concerned about the highways safety, the fact that there will be no one on site to enforce the 'no fire' rule, no one to ensure noise levels are kept to a minimum or to ensure that glampers do not roam the site disturbing neighbours and wildlife, and that the applicant has failed to adequately address the concerns of West Sussex Fire Service.

MSDC Environmental Protection

No objection

High Weald AONB Unit

Standard advice given

MSDC Drainage Engineer

No objection, drainage matters managed by Building Regulations.

WSCC Highways Authority

No objection

WSCC Fire and Rescue Service

No objection, advice for the applicant

Introduction

The application seeks planning permission for the siting of three luxury glamping pods together with associated landscaping and car parking.

Relevant Planning History

06/00176/AGRDET - Take down old timber shed/barn building and renew in same construction. Approved

01/00826/FUL - Erection of private house, garage block and lodge. Refused

BK/005/74 - Erection of a 4 bed dwelling. Granted

Site and Surroundings

Stonerocks Farm is located on the northern side of Cross Colwood Lane within the countryside and the High Weald Area of Outstanding Natural Beauty.

The locality is characterised by loose knit sporadic development with large areas of woodland and open fields. The properties within the area consist of residential, and agricultural and equestrian properties. The northern side of Cross Colwood Lane is located within the High Weald AONB however the border is located on the northern side of the highway and does not continue to the south.

The property consists of a small farmstead adjacent to the highway comprising of open sided barns and small ancillary buildings with a large area of hard standing to the western side which extends around the northern side and to the existing access onto the highway. The boundary within the highway consists of mature front boundary hedging with high metal deer fencing and gates set in from the entrance to the property. The land to the north of the farmstead increases in ground level and levels off at the top of the hill which includes large fields and areas of woodland. Parts of this woodland comprises of ancient woodland. The top of the hill is accessed via a concrete access track which runs along the southern boundary of the property, adjacent to The Yards, and then turns to the north and is lined on the western side by mature trees and hedging. This track then leads to a small area of hard standing at the top of the hill. A public bridleway extends through the eastern side of Stonerocks Farm which runs north to south from Cross Colwood Lane through to Rout Farm to the north. No other public rights of way pass through the property.

Application Details

The proposed glamping pods would be located within Stonerocks Farm and would utilise the existing concrete track. The pods would be located in separate positions. Pod 1 would be located to the west of the track at the top of the hill with Pod 2 located to the east of the track and would be set further back from the crest of the hill. Pod 3 would be located within a smaller field further to the north. Each of the pods would be accessed from the existing track by a path with areas of proposed landscaping around the pods.

The pods would be of the same design and form with a width and depth of some 3 metres and 6.2 metres with a curved roof with a central ridge line which would have an overall height of approximately 3 metres. The pods would be constructed in larch timber with a rear window and front patio doors.

A parking area within the existing farmstead is proposed with an area of native hedging proposed along the western side of the existing hardstanding.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Bolney Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald area of Outstanding Natural Beauty
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation
DP19 - Sustainable Tourism
DP21 - Transport
DP26 - Character and Design
DP29 - Noise, Air and Light Pollution
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP41 - Flood Risk and Drainage

Bolney Neighbourhood Plan (September 2016)

Relevant policies:

BOLBB1 - Built-up Area Boundary
BOLE1 - Protect and Enhance Biodiversity
BOLE2 - Protect and Enhance the Countryside
BOLD1 - Design of New Development and Conservation
BOLT1 - Transport Impact of Development

Other Planning Guidance

- High Weald AONB Management Plan 2019-2024
- High Weald AONB - Guidance on the selection and use of colour in development
- Eco-camping in the High Weald AONB: A review of the potential environmental impacts and recommendations for future development

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the*

development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 of the NPPF states 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Principle of Development
- Design and impact on the character of the area and High Weal AONB
- Impact on neighbouring properties
- Highway safety and parking
- Ashdown Forest
- Biodiversity and Trees
- Drainage
- Heritage
- Other Matters
- Planning Balance and Conclusions

Assessment

Principle of Development

As the site is within the countryside, the starting point for an assessment of the application is policy DP12 in the District Plan. This states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP16 of the Mid Sussex District Plan states that *'small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.'*

Policy DP19 relates to Sustainable Tourism and states in part:

'Tourism related development in the countryside (defined as the area outside of the built-up area boundaries on the Policies Map), including extensions to existing facilities, visitor accommodation and the re-use of rural buildings will be permitted provided:

- *it supports the sustainable growth of the rural economy; and*
- *maintains or where possible enhances the quality of the rural and landscape character of the District, in accordance with Policy DP12: Protection and Enhancement of the Countryside.'*

Policy BOLBB1 of the Bolney Neighbourhood Plan states:

Outside the Built-up Area Boundary, development will not be permitted unless:

- *it is supported by a specific policy elsewhere in the Neighbourhood Plan; or the proposal is in accordance with other planning policies applying to the Parish;*
- *it relates to necessary utilities infrastructure where no reasonable alternative location is available; or*
- *it is necessary for the purposes of agriculture, or some other use that has to be located in the countryside; and*
- *it maintains or where possible enhances the quality of the rural and landscape character of the parish; and*
- *it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality.'*

Policy BOLE2 states:

'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.

Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest'

Paragraph 84 of the NPPF states:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The proposal seeks to site 3 No. glamping pods for holiday accommodation within Stonerocks Farm. The proposed holiday lets would create a new business within a rural area, therefore supporting the rural economy. As set out further below in the report, due to the scale and design of the proposal, it is considered that the development would respect the character of the countryside and does not detract from the visual qualities and essential characteristics of the AONB.

It should also be noted that permitted development rights under part 4, schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) allow the temporary use of land and erection of movable structures for up to 28 days per calendar year, for example, for camping, which does not include any restriction on the number of visitors.

It is therefore considered that the principle of the proposed development would be acceptable in accordance with policy DP12 of the Mid Sussex District Plan, as it maintains the quality of the rural landscape character and is supported by other policies in the District Plan, (DP14 and DP19) and policies BOLBB1 and BOLE2 of the Bolney Neighbourhood Plan.

Design and impact on character of the area and the High Weald AONB

As set out above, the site is within the countryside where DP12 is relevant, which requires proposals to maintain or enhance the countryside.

The site is also within the High Weald AONB. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

Policy DP16 of the Mid Sussex District Plan states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*
- *Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.*

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Paragraphs 176 and 177 of the NPPF state:

'176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be

demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Footnote 60 of the NPPF states: *'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'*

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan and policies BOLBB1 and BOLE 2 of the Bolney Neighbourhood Plan.

The High Weald AONB Unit have been consulted on the application and have provided standard advice which is set out in full in Appendix B.

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

The ethos of this policy is echoed in policy BOLD1 of the Bolney Neighbourhood Plan.

Paragraphs 126 and 130 of the NPPF state:

'126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

The proposal consists of 3 No. glamping pods with a total footprint of 45sqm with modest areas of landscaping and footpaths that lead back to the existing concrete track. The pods would be positioned separately within Stonerocks Farm with an overall height of approximately 3 metres and would be clad in timber. It is considered that due to the small scale and nature of the proposed use, which would be expected in a rural location, it is not considered that the proposal constitutes 'major development' within the High Weald AONB and therefore does not need to justify exceptional circumstances or demonstrate public interest for the development as set out in para. 177 of the NPPF.

The proposed glamping pods are of a timber construction, single storey having a curved roof design. The pods would well spaced with proposed landscaping to

incorporate the structures into the landscape and against the backdrop of the surrounding woodland. Pod 1 would be positioned closest to crest of the hill, however, it would be some 308 metres from the highway with areas of trees in between which would prevent any public views. Pod 2 would be set back further from the crest of the hill and a greater distance to the highway than Pod 1, with greater extensive planting to prevent public views, which is same as Pod 3. A public bridleway is located to the east, however there are large areas of woodland and fields between this public right of way, with a distance of at least 300 metres which prevents any public views of the proposal.

Comments have been raised within the letters of representation that the proposal would be more visible within the winter months due to the loss of leaves on the trees. The structures would be constructed in natural timber cladding, which reflects the High Weald Character Area Main Palette withing the AONB Unit's guidance on colour. Taking this into account, this, combined with the extent of the woodland and trees between the pods and public viewpoints, combined with the substantial separation distances, it is considered that the time of year would not change the visibility of the proposal.

The proposal would also utilise the existing hardstanding on the site to minimise the development required for the proposal and no proposed external lighting has been included with the proposal. Which is supported with the High Weald AONB Unit review on eco-camping.

As stated previously, permitted development rights allow for the temporary use of land and moveable structures for up to 28 days per calendar year, which could have a significantly greater visual impact on the AONB and the rural character of the area due to the potential for an significantly larger number of structures and visitors.

The proposed pods would be of simple design which would reflect the surrounding countryside and would not cause detriment to the wider character of the countryside and would conserve the landscape and the natural beauty of the High Weald AONB.

The proposal is thereby considered to comply with policies DP12, DP16 and DP26 of the District Plan, policies BOLD1, BOLBB1 and BOLE2 of the Bolney Neighbourhood Plan the requirements of the High Weald Management Plan, and paragraphs 126, 130, 176 and 177 of the NPPF.

Impact on the amenities of neighbouring properties

The requirements of policy DP26 have been set out earlier in this report.

The closest neighbouring property to the proposal is The Yards, which is located to the east of the existing farmstead of Stonerocks Farm and to the southern side of the existing farm track. This neighbour would be some 240 metres from Pod 1. Pods 2 and 3 would be significantly further from this neighbouring property with lines of trees in between which would prevent the proposal from being visible. Pod 1 would be visible from the curtilage of this property, however, due to the position of an existing copse of trees within the field in between the Yards and Pod 1 the proposal would

not cause overlooking, loss of outlook or an overbearing impact on this neighbouring property.

It is noted that the existing farm track runs parallel with the rear boundary of the neighbouring property and that the visitors to the proposed pods would use this track for access. However, given the small scale nature of the proposal and limited visitor movements, along with the potential for the increased use of the track for agricultural purposes, it is considered that the proposal would not cause significant harm to the amenities of this neighbour.

Concerns have also been raised regarding the potential noise and disturbance the proposal could cause to neighbouring properties and the wider area. The proposal is for 3 pods which would serve as holiday accommodation for two people per pod with the pods well spaced. It is considered that due to the size and nature of the proposal it would be unlikely that the proposal would result in large gatherings and the noise and disturbance that would arrive from the proposal would be minimal. MSDC Environmental Protection Team have been consulted on the application and have raised no objection.

The proposal is thereby considered to comply with policies DP26 and DP29 of the Mid Sussex District Plan.

Highway safety and parking

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Policy BOLT1 of the Bolney Neighbourhood Plan states:

'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and*
- c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village.'*

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 111 states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The site is located on Cross Colwood Lane, an unclassified rural lane subject to national speed limit in this location. The pods would be accessed via the existing vehicular access with no apparent visibility issues with the existing point of access. The LHA does not anticipate that the proposal would give rise to a significant material intensification of use of the existing access, when compared with the site as a whole.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The proposal includes three car parking spaces for the use of the pods, with each pod containing one bed. The LHA is satisfied that the proposed parking provision will be sufficient for this proposal with sufficient space for additional parking if required, with space for on-site turning.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operations of the highway network, therefore it is not contrary to the NPPF (paragraph 111) and that there are no transport grounds to resist the proposal.

The LHA has noted that no cycle parking has been provided, which due to the rural location of the proposal may not be a viable option for visitors. It is considered that due to the nature of the proposal and that visitors would be accompanied by luggage it is unlikely to be practical to travel to the site by bicycle and therefore a condition for cycle storage is not considered necessary or reasonable in this instance.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Ecology and Trees

Concerns have been raised regarding the impact on the natural environment and wildlife along with the lack of an ecological report and Bat and Great Crested Newt surveys. The proposed pods would be located within existing agricultural fields and would not result in the demolition, alteration or conversion of existing buildings. Ecological reports are only required on applications where it is a reasonable likelihood the below are within or adjacent to the application and may be affected:

- Protected species
- Species of conservation concern including those listed as Species of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006
- Designated nature conservation sites (including those of geological conservation importance)
- Habitats of conservation value, including those listed as Habitats of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006

The site is not within a designated nature conservation site and does not include any habitat of conservation value. The proposal is also small scale in nature and would be positioned within open fields which would mean that protected species would not be affected by the proposal. It should also be noted that protected species are also protected under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations 2017.

A request has also been made for the Sussex Wildlife Trust to be consulted on the application, however given the above and the scale of the proposal this consultation is not considered necessary.

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

Other comments have noted that no tree report has been submitted and that Stonerocks Farm includes areas of ancient woodland and that this along with the impact on soil should be addressed. Pods 1 and 2 are positioned a sufficient distance away from the existing trees and although Pod 3 is positioned closer to some existing small trees, given their size and the prefabricated nature of the proposal it would be considered to be overly onerous to require a tree report in this instance. No trees are subject of Tree Preservation Orders. Some of the comments regarding trees refer to those along the side of the farm track, no alterations are proposed to the track which could be used for agricultural purposes at present and therefore a tree report is not considered necessary.

There are areas of ancient woodland within Stonerocks Farm, however these areas are at least 80 metres from the closest pod with areas of other woodland around them. The proposal would therefore not impact on the areas of ancient woodland or

the 15 metre buffer zones referred to in policy DP37 due to the significant separation distance, therefore no supporting documents regarding ancient woodland or soil impacts are required.

Drainage

MSDC Drainage Engineer has provided comments on the application. The proposal is located within flood zone 1 and at very low risk of surface water flooding, with the proposal utilising existing areas of hardstanding with the only increase in impermeable surfaces to be the pods and small patio areas to the front of the pods. Given the scale of the proposal the Drainage Engineer considers that foul and surface water drainage are to be managed under Building Regulations. It was also noted that use of non-mains foul water drainage would need to comply with the Environment Agency's General Binding rules or have an Environmental Permit from the Environment Agency, both of which are separate to the planning process.

Heritage Assets

It was noted in a letter of representation that a nearby property is Grade II listed, Chatesgrove. This property would be at least 370 metres from the closest pod, which is outside the setting of this listed building and not a consideration for the current application.

Other Matters

Comments were also made regarding the lack of information regarding the required infrastructure, waste storage, visitor management, risk assessments and no on site supervision or dwelling. The installation of infrastructure such as electricity and water does not require planning permission and could be undertaken at any point and is therefore not a consideration for this application. There is sufficient space within the farmstead for the storage of bins, with existing bins located adjacent to the existing access and it would be for the applicant to arrange collections. On site supervision, visitor management plans and risk assessments are not planning requirements and are private matters for the operation of the business.

Comments have been received from WSCC Fire and Rescue Service which raise points regarding access to the pods by emergency service vehicles and proximity to fire hydrants. These comments are for the applicant's information and would be a consideration under Building Regulations.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable in terms of its principle, design, size and scale which is in proportion and appropriate to the rural character of the site and the landscape of the

AONB, would not cause harm to the amenities of neighbouring properties, and is acceptable in terms of the impact on the highway and parking provision, impact on the Ashdown Forest, drainage, biodiversity and trees.

It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP17, DP19, DP21, DP26, DP37, DP38 and DP41 policies BOLBB1, BOLE1, BOLE2, BOLD1 and BOLT1 of the Bolney Neighbourhood Plan and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.
4. The occupation of the pods shall at all times comply with the following:
 - a) The accommodation within the pods shall be occupied for holiday purposes only.
 - b) The building shall not be occupied as a person's sole or main place of residence.
 - c) An up to date register shall be maintained of the names of all guests using the holiday let, including names, homes addresses, dates and durations of each stay and the register shall be made available at all reasonable times to the Local Planning Authority.
Reason: To ensure the approved holiday accommodation is not used as a permanent residential unit and to comply with Policy DP19 of the Mid Sussex District Plan.
5. Prior to the occupation of the glamping pods, hard and soft landscaping shall be carried out in accordance with the submitted details set out on the Proposed Layout Plan. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

6. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

7. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and to accord with Policies DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:

Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.

Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Site Plan	3.1		19.07.2021
Topographical Survey	5.1		19.07.2021
Other	6.1		19.07.2021
Landscaping	7.1		19.07.2021
Planning Layout	8.1		19.07.2021
Photographs	Viewpoints	1-14	19.07.2021
Location Plan			19.07.2021
Proposed Floor and Elevations Plan			

APPENDIX B – CONSULTATIONS

Parish Consultation

The Parish Council objects for several reasons. It is in the AONB and could have a huge impact on wildlife in the area. It will overlook the neighbours and create a loss of privacy and be lit at night in an area of dark skies. It could create noise for the neighbours. There is a problem with parking and access to the pods and no control over who has access to the site. The owners do not live on site and there will be no-one to oversee the use of them which could create a fire risk in a rural area. There are no services or facilities to the area such as waste collection or sufficient power. There are inconsistencies in the application as there is no mains drainage to the site and no Heritage Statement despite a listed building adjoining the site. If permission is granted for this then it is considered likely that further permission might then be requested for more pods in the future.

Parish Consultation

We object to this application. Despite the assurances of the applicant, we remain concerned about the highways safety, the fact that there will be no one on site to enforce the 'no fire' rule, no one to ensure noise levels are kept to a minimum or to ensure that glampers do not roam the site disturbing neighbours and wildlife, and that the applicant has failed to adequately address the concerns of West Sussex Fire Service.

High Weald AONB Unit

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan includes a commitment from the Joint Advisory Committee partners (including the Local Planning Authorities) that they will use the Management Plan as a 'checklist' against which to assess the impact of policies and other activities on AONB purpose to fulfil the requirements of the Countryside and Rights of Way Act 2000, s85. A template to assist with this assessment is provided in the Legislation and Planning Advice Note.

The National Planning Policy Framework (NPPF) 2021 paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation of wildlife and cultural heritage are important considerations in all these areas.

The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 177 says "When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁰ other than in exceptional circumstances, and where it can be

demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

Footnote 60 says: "whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined". It is recommended that the case officer undertakes a clear and transparent assessment of whether the proposal is major development, using the key characteristics and landscape components of the AONB as set out in the Management Plan.

NPPF paragraph 11 explains the presumption in favour of sustainable development. Part d says that where there are no relevant development plan policies or the relevant ones are out of date (for instance in applications involving new housing where there are housing supply or delivery deficits) then permission should be granted unless:

- i. "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

Areas of Outstanding Natural Beauty are listed in footnote 7 and the most relevant policies in the Framework are paragraphs 176 and 177. A recent court of appeal case¹ confirms that, if a proposal causes harm to an AONB sufficient to refuse planning permission if there were no other considerations, then the presumption in favour (or 'tilted balance' expressed in ii) above) should be disengaged. The decision-maker should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the AONB as required by NPPF 176.

The above comments are the professional views of the AONB Unit's Planning Advisor and are not necessarily the views of the High Weald AONB Joint Advisory Committee.

MSDC Drainage Engineer

Comments dated 01/09/2021:

Had a look at the above application and can provide the following comment.

- The three glamping pods are located within flood zone 1 and at very low risk of surface water flooding based on Environment Agency mapping.
- The applicant proposes to utilise existing hard standing for car parking and an existing track for access to the pods themselves. The only increase in impermeable surfaces are to be the pods and small patios associated with them.
- Foul water drainage will be via individual septic tanks or composting toilets.

Based on the information provided and the scale of the development we would advise that foul and surface water drainage are managed via Building regulations and Building Control.

Comments dated 24/11/2021:

The flood risk and drainage team maintain that we have no objection to the development on flood risk or drainage grounds. Drainage should be managed via Building Regulations and Building Control.

Use of non-mains foul water drainage such as is proposed will need to comply with the Environment Agency's General Binding rules or an Environmental Permit, from the Environment Agency, will be required. The Environmental Permit process is separate to the planning process.

I hope the above confirms and clarifies the flood risk and drainage team's position on this application.

MSDC Highways Authority

Summary

This proposal is for the siting of three glamping pods with associated development. The site is located on Cross Colwood Lane, an unclassified rural lane subject to national speed limit in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

The pods will be accessed via the existing vehicular access on Cross Colwood Lane. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to the maintained highway. In addition, the LHA does not anticipate that this proposal would give rise to a significant material intensification of use of the existing access, when compared with the site as a whole.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant proposes three car parking spaces for use by the glamping pods. Considering that each pod will contain one bed, the LHA is satisfied that the proposed parking provision will be sufficient for this proposal. From inspection of the plans, there appears to be space for additional parking if required, and space for on-site turning.

The applicant has not provided details of secure and covered cycle parking provision. The LHA acknowledges the rural location, whereby cycling may not be a viable option for some visitors. If the LPA believes cycle parking is justifiable, the applicant should demonstrate cycle parking in the form of covered and lockable cycle storage.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

WSCC Fire and Rescue Services

Having viewed the plans for planning application DM/21/2688, the nearest fire hydrant to the Proposed siting of three luxury glamping pods is 780 metres away, 670 metres more than the required 90 metres distance for a commercial property. Should an alternative supply of water for firefighting be considered it will need to conform with the details identified in Approved Document - B (AD-B) Volume 1 2019 edition: B5 section 16.

The access route to the Proposed siting of three luxury glamping pods does not appear to comply with AD-B Volume 1 B5 section 13. From the plans submitted and our mapping the access route does not look to have sufficient width for a fire appliance to gain access to the site. The access route needs to be 3.1 metres between any gateway and 3.7 metres wide to enable a fire appliance to gain access, sections of the access route look to be less than 3 metres wide and not meet with the access requirements.

Without sufficient access width a fire appliance may not be capable of reaching the new dwelling in a fire or an emergency situation to assist you.

MSDC Environmental Protection

No objection